

Horne

REMARKS

As an initial matter, Applicant respectfully thanks the Examiner for the thorough search and examination occurring in the present application. Applicant respectfully notes that no objection or rejection of original Claim 5 was noted by the Examiner, and new Claim 31 is related to the same. Applicant has amended the specification without prejudice to correct some noted informalities.

Applicant, however, also respectfully submits that it appears that the Examiner did not enter the preliminary amendment, e.g., cancellation of Claims 6-19, filed with the present application without prejudice. Accordingly, Applicant submits that it makes it difficult if not impossible to fully respond to every potential issue of concern to the Examiner as may be expressed in the Official Action or otherwise, and Applicant respectfully requests that the Examiner keep this in mind in reviewing this matter in terms of how any future response, other than a Notice of Allowability, might prejudice Applicant in view of the appearance of non-entry of the preliminary amendment without comment. Nevertheless, in good faith, Applicant has attempted a complete response herein. Applicant has indicated herein that Claims 6-19 are cancelled without prejudice, and these same claims were previously cancelled by Preliminary Amendment, without prejudice. Accordingly, Applicant has amended Claims 2, 20, and 22-27 without prejudice in a manner indicating that the previous Preliminary Amendment was not entered. Claims 22-27 reflect a correction to the claim numbering so that these claims are now labeled Claims 21-26 going forward. Applicant has also added new Claims 28-31. Applicant thanks the Examiner in advance for understanding the issues/situation and for entry of the same.

In the Official Action, the Examiner rejected Claims 1-26 under 35 U.S.C. § 102(e) as being anticipated by Tatchell et al. '774. Applicant respectfully disagrees. Tatchell '774 describes a system and method of accessing and operating a voice message system in a complex agent network. Tatchell et al. '774, however, fails to disclose, teach or suggest determining a match between the caller identification information associated with the incoming call and caller identification information for an allowable calling party, selectively controlling a default made by a user, as well as other features of Claims 1-5, 20-26, and 28-31. As such, Tatchell et al. '774 is not a proper 35 U.S.C. § 102(e) reference. Accordingly, Applicant submits that Claims 1-5, 20-26, and 28-31 are novel, nonobvious and defined over the cited art.

Horne

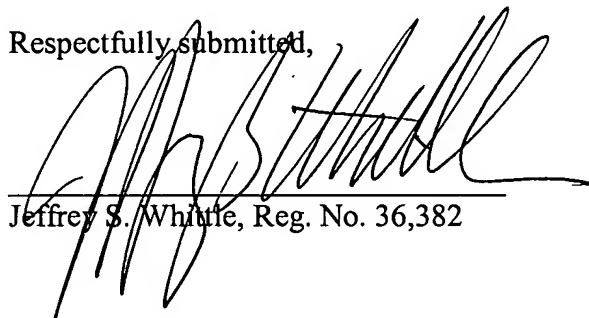
In commenting upon the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction between the references and the present invention have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims. Not all of the distinctions between the prior art and Applicant's present invention have been made by Applicant. For the foregoing reasons, Applicant reserves the right to submit additional evidence showing the distinctions between Applicant's invention to be nonobvious in view of the prior art.

The foregoing remarks are intended to assist the Examiner in re-examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered to be exhaustive of the facets of the invention that render it patentable, being only examples of certain advantageous features and differences that Applicant's attorney chooses to mention at this time.

CONCLUSION

In view of the amendments and remarks set forth herein, Applicant respectfully submits that the application is in condition for allowance. Accordingly, the issuance of a Notice of Allowance in due course is respectfully requested.

Respectfully submitted,


Jeffrey S. White, Reg. No. 36,382Date: October 3, 2005

BRACEWELL & GIULIANI LLP
P.O. Box 61389
Houston, Texas 77208-1389
Telephone: (713) 221-1185